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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/656,995	09/07/2000	Takao Miyazaki	0378-0374P	2239

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EXAMINER

NGUYEN, LUONG TRUNG

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 07/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/656,995

Applicant(s)

MIYAZAKI, TAKAO

Examiner

LUONG T. NGUYEN

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-31 is/are pending in the application.
- 4a) Of the above claim(s) 32-37 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. It is noted that the Application No. 09/656,995 has been transferred to Examiner Luong T. Nguyen, Art Unit 2612.

Response to Arguments

2. Applicant's arguments filed 5/16/2005 have been fully considered but they are not persuasive.

In re page 8, Applicant argues that the overwrite operation of Yumoto neither teaches nor suggests the control functions recited in claim 20 which, *inter alia*, cause the recording device to hold frames of image signals picked up during a period of time based on a release operation, and cause non-selected frames of image signals, as distinguished from the one frame of image signals selected, existing in the recording device to be deleted.

In response, regarding claim 20, the Applicant recites claim 20 with limitation "said controller causing said recording device to hold frames of image signals picked up during a period of time based on a release operation, and causing non-selected frames of image signals, as distinguished from the one frame of image signals selected, existing in said recording device to be deleted." The Examiner considers that claim 20 as recited still does not distinguish from Yumoto et al. patent. Yumoto et al. discloses an overwriting operation for cyclically storing image data, in which all the images stored in the areas G1 to G16 are respectively shifted by one area to adjacent areas and thereby the earliest image data in G1 is erased (non-selected frames of image signals are deleted), and the newest image data is written in the empty G1 (hold frames of

Art Unit: 2612

image signals picked up during a period of time based on a release operation), Column 7, Lines 13-45).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 20-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Yumoto et al. (US 6,734,910).

Regarding claim 20, Yumoto et al. discloses an image pickup apparatus comprising:

an image sensor (CCD included in signal converting section 12, Figure 1, Column 3, Lines 40-43) for picking up a scene in response to a control signal to thereby output an image signal representative of the scene;

a recording device (DRAM 14, Figure 1, Column 3, Lines 45-65) for recording a plurality of frames of image signals;

a selecting device (13, Figure 1, Column 3, Lines 45-65) for allowing an operator of the image pickup apparatus to select a desired one of the plurality of frames of image signals recorded in the recording device;

Art Unit: 2612

a controller (control section 20, Figure 1, Column 4, Lines 7-20) operative in response to the selecting device for outputting the control signal to cause the image sensor to pick up the scene at preselected intervals and for controlling the recording device;

said recording device recording latest ones of a plurality of frames of image signals picked up at the preselected intervals while sequentially updating the plurality of latest frames of image signals (Column 7, Lines 13-45);

said controller causing the recording device to hold frames of image signals picked up during a period of time based on a release operation, and causing non-selected frames image signals, as distinguished from the one frame image signal selected, existing in the recording device to be deleted (Yumoto et al. teaches capturing images in an ordinary shooting mode and a continuous shooting mode; in the continuous shooting mode images are captured and displayed in predetermined intervals; Column 17, Line 18 to Column 18, Line 45; Yumoto et al. also teaches an overwriting operation for cyclically storing image data, and further teaches that all the images stored in the areas G1 to G16 are respectively shifted by one area to adjacent areas and thereby the earliest image data in G1 is erased (non-selected frames of image signals are deleted), and the newest image data is written in the empty G1 (hold frames of image signals picked up during a period of time based on a release operation), Column 7, Lines 13-45).

Regarding claim 21, Yumoto et al. discloses the controller comprises a mode setting circuit for allowing the operator to set a mode that causes the storage to hold the frames of image signals picked up during the period of time at least before or after the release operation, whereby the frames of image signals are stored in the storage in accordance

Art Unit: 2612

with the mode (Column 4, Line 50 to Column 6, Line 55).

Regarding claim 22, Yumoto et al. discloses when the operator sets a "Pre" mode for causing said recording device to hold the frames of image signals picked up before the release operation, said controller causes said recording device to hold the frames of image signals picked up at least before the release operation (Column 13, Line 64 to Column 14, Line 7).

Regarding claim 23, Yumoto et al. discloses when the operator sets a "Post" mode for causing said recording device to hold frames of image signals picked up after the release operation, said controller causes the storage to hold the frames of image signals picked up at least after the release operation (Column 13, Line 64 to Column 14, Line 7).

Regarding claim 24, Yumoto et al. discloses when the operator sets a "Pre/post" mode for causing said recording device to hold the frames of image signals picked up before and after the release operation, said controller causes said recording device to hold the frames of image signals picked up before and after the release operation (Column 13, Line 64 to Column 14, Line 7).

Regarding claim 25, Yumoto et al. discloses, in figure 1, a display (display section 40) for displaying pictures represented by frames of image signals recorded in said recording device, wherein the controller causes a picture represented by the one frame of image signal selected to be distinguished from the other pictures on the display (Column 4, Lines 33-40).

Art Unit: 2612

Regarding claim 26, Yumoto et al. discloses the controller causes the display to display the pictures together in a preselected format (Column 14, Lines 8-18).

Regarding claim 27, Yumoto et al. discloses a switch circuit for generating first information (capturing a sequence of images) and second information (retaining/displaying a desired image/images) in response to a first release operation (half pressed shutter button) and a second release operation (fully pressed shutter button), respectively, wherein the controller controls, in response to the first information, the image sensor and the storage for executing pickup control at the preselected intervals and storing resulting frames of image signals in the storage and then causes, in response to the second information and in accordance with the mode set by operator, the storage to hold the frames of image signals existing therein (The examiner notes that when the shutter release button is held in a half pressed state, a sequence of images are captured and stored in working memory 14 and when the shutter release button is held in fully pressed state, a desired image/images are retained in memory 50, Column 4, Line 50 to Column 6, Line 55).

Regarding claim 28, Yumoto et al. discloses the switch circuit generates the first information when the operator presses a release button to a half-stroke position and then generates the second information when the operator presses the release button to a full-stroke position (Column 5, Line 49 to Column 6, Line 55).

Regarding claim 29, Yumoto et al. discloses the switch circuit comprises a sensor for

Art Unit: 2612

generating the first information when the operator holds the apparatus in a position ready to shoot the scene (The examiner notes that when the shutter release button is held in a half pressed state, a sequence of images are captured).

Regarding claim 30, Yumoto et al. discloses a signal generating circuit generating timing signals at the preselected intervals under control of the controller, wherein the controller executes the pickup control over the image sensor and storage control over the storage at the preselected intervals for thereby causing the frames of image signals picked at the intervals to be written to the storage (see claim 27 as discussed above).

Regarding claim 31, Yumoto et al. discloses the controller sets a period of time corresponding to a photometric value as the preselected intervals (inherent feature).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 2612

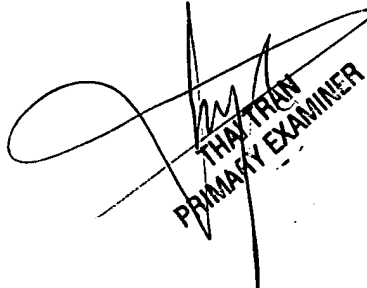
however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUONG T. NGUYEN whose telephone number is (571) 272-7315. The examiner can normally be reached on 7:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ^{Thai Tran} ~~WENDY GARDNER~~ can be reached on (571) 272-⁷³⁸² ~~7308~~. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LN LN
07/24/05


THAI TRAN
PRIMARY EXAMINER